

REMARKS

Claims **1, 3-13, 15-29, 34-47, and 55-74** are pending in this application. Claims **1, 68, 70, 74** are independent. Applicants have amended claims **1, 3-13, 15-29, and 34-47** and have canceled claims **2, 14, and 30-33** without prejudice or disclaimer. Claims **48-54** were previously canceled. New claims **55-74** have been added.

Summary of Interview of June 29, 2009

A telephone interview regarding the present application took place between Examiner Colbert and the undersigned on June 29, 2009. The Examiner's summary of the interview (dated July 10, 2009) is presented here as follows.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Applicants' Representative, Attorney Chris Agnew, discussed with the Examiner the definition of a "short sale" as in finance and the possibility of withdrawing the Pre-Appeal Panel decision and placing the application in condition for allowance by amending the claims and filing a request for continued examination. The examiner explained that if an appeal brief is filed and the application goes to the board of appeals it will take approximately three years or longer to get a resolution and even if the Examiner is reversed with the claims as they are written prosecution could still be reopened and another rejection given.

The undersigned agrees with the Examiner's summary of the telephone interview.

The undersigned appreciates Examiner Colbert's time in speaking with the undersigned regarding the present application.

Claim Amendments

Applicants do not necessarily agree with or concede any of the arguments in the final Office Action dated June 17, 2008 ("Office Action"). Nonetheless, to advance prosecution and obtain early issuance, Applicants have amended claims **1, 3-13, 15-29, and 34-47**, have canceled claims **2, 14, and 30-33** without prejudice or disclaimer, and have added new claims **55-74**. No new matter has been added. Applicants respectfully request reconsideration and withdrawal of the rejections.

Applicants have not amended independent claim **3** to preserve Applicants' right to appeal should Applicants be inclined to elect to file an appeal after, e.g., receiving an Office Action following this Reply.

Applicants reserve the right to file canceled claims **2, 14, and 30-33** and/or any of the previously pending versions of claims **1 and 4-13, 150-29, and 34-47** in, e.g., one or more continuing applications.

The Office Action did not raise an issue of non-statutory subject matter and Applicants do not necessarily concede that the previously pending version of, e.g., independent claim **1** was directed to non-statutory subject matter. Nonetheless, to advance prosecution and obtain early issuance, Applicants have amended independent claim **1** and respectfully submit that the claim is directed to statutory subject matter.

Claim Rejections - 35 U.S.C. § 103

In the Office Action, claims **1-3** were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Stronach et al., U.S. Patent Application Publication No. US 2004/0229671 ("Stronach") in view of Gebb, U.S. Patent No. 6,067,532 ("Gebb"). In the Office Action, claims **4-47** were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Stronach in view of Gebb and further in view of O'Keeffe et al., U.S. Patent Application Publication No. US 2002/0082969 ("O'Keeffe").

Applicants do not necessarily agree with or concede any of the arguments in the Office Action regarding Stronach, Gebb, and/or O'Keeffe. For example, Stronach, alone or in combination with Gebb, is not understood to disclose or suggest "transferring the at least one entry of the first set of entries from the second user to the first user," as required by previously pending dependent claim **2**.

Nonetheless, to advance prosecution and obtain early issuance, Applicants have amended claims **1, 3-13, 15-29, and 34-47**, have canceled claims **2, 14, and 30-33** without prejudice or disclaimer, and have added new claims **55-74**. No new matter has been added.

Applicants have amended independent claim **1** to require, among other things, "receiving, by the processor, a sell order placed by a second user of the plurality of users associated with the at least one entry of the first set of entries, in which the second user does not own the at least one entry at a time the sell order is placed." Applicants respectfully submit that none of Stronach, Gebb, and O'Keeffe, alone or in combination, discloses or suggests "receiving, by the processor, a sell order placed by a second user of the plurality of users associated with the at least one entry of the first set of entries, in which the second user does not own the at least one entry at a time

the sell order is placed" as required by amended independent claim 1. For at least this reason, none of Stronach, Gebb, and O'Keefe, alone or in combination, discloses or suggests the subject matter of amended claim 1. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection.

Each of the amended dependent claims **4-13, 15, 16, 25-29, and 37-47** is patentable for at least the same reasons as its corresponding independent claim, independent claim 1. Applicants respectfully request reconsideration and withdrawal of the rejections.

Independent claim 3 has not been amended and is believed to be allowable for at least the reasons described in Applicants' Response Pursuant to 37 C.F.R. §1.111, dated February 15, 2008 (see pages 9-15, particularly pages 13-15) and described in Applicants' Pre-Appeal Brief Request for Review, dated November 20, 2008. Applicants respectfully submit that none of Stronach, Gebb, and O'Keefe, alone or in combination, discloses or suggests the subject matter of independent claim 3. Accordingly, Applicants respectfully request reconsideration and withdrawal of these rejections.

Applicants have amended claims **17-24 and 34-36** to ultimately depend from independent claim 3. Each of the dependent claims **17-24 and 34-36** is patentable for at least the same reasons as its corresponding independent claim, independent claim 3. Applicants respectfully request reconsideration and withdrawal of the rejections.

New claims **55-74** are believed to be allowable. Applicants respectfully submit that none of Stronach, Gebb, and O'Keefe, alone or in combination, discloses or suggests the subject matter of new claims **55-74**. Applicants respectfully request that the Examiner allow these claims.

Conclusion

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this

paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Applicants believe that the application is in condition for allowance, which action is respectfully requested at the Examiner's earliest convenience.

Comment Regarding Claim Amendments

None of the statements below is intended to be an addition to or alteration of the written description of the application as filed. None of the statements below is a statement of what is or is not included in the written description of the application as filed.

In responding to this Office Action, Applicant has made several amendments. Applicant wish to make clear in amending the claims that, unless otherwise noted, "at least one of A, B, and C" is intended to be broad enough to include any of the following (and/or any unstated combination of the following): "only A," "only B," "only C," "one or more A," "one or more B," "one or more C," "only A and B," "only A and C," "only B and C," "one or more A and one or more B," "one or more A and one or more C," "one or more B and one or more C," "only A, B, and C," and "one or more A and one or more B and one or more C."

Unless otherwise noted, "a," "an," or "the" means "one or more" and/or "at least one."

Unless otherwise noted, "based on" means "based at least in part on" or "based at least on."

Authorization for Email Communication

Recognizing that Internet communications are not secure, Applicant hereby authorizes the USPTO to communicate with any authorized representative concerning any subject matter of this application by electronic mail. Applicant understands that a copy of these communications will be made of record in the application file.

The Examiner is strongly encouraged to telephone Applicant's undersigned representative, Christopher Agnew, at the number noted below if it will advance the prosecution of this application, or with any suggestion to resolve any condition that would impede allowance. In the event that any extension of time is required, Applicant petitions for any extension of time required to make this response timely and otherwise not present. Kindly charge any additional fee, or credit any surplus due for any reason, to Deposit Account No. 50-3938.

Respectfully submitted,

Dated: July 16, 2009

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